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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/782,564 | 02/13/2001 | Renee M. Kovales | RSW920000126US1 | 9643 |

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Jeanine S. Ray-Yarletts
IBM Corporation T81/503
PO Box 12195
Research Triangle Park, NC 27709

| EXAMINER | |
|---|---|
| CHAWAN, VIJAY B | |
| **ART UNIT** | **PAPER NUMBER** |
| 2654 | |

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/782,564 | KOVALES ET AL. | |
| | Examiner | Art Unit | |
| | Vijay B. Chawan | 2654 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 April 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-22,43-60 and 67-85* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15, 43-51, 57-60, 67-74, and 81-85* is/are rejected.

7)☒ Claim(s) *16-22,52-56 and 75-80* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 February 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 16-22, 52-56, 75-80 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15, 43-51, 57-60, 67-74, and 81-85 are rejected under 35 U.S.C. 102(e) as being anticipated by Cossatto et al., (6,112,177).

As per claim 1, Cossatto et al., teach a method of enhancing audio renderings of non-audio data sources, comprising:

detecting a nuance of a non-audio data source (Fig.2, item 18);

locating an audio cue corresponding to the detected nuance (Fig.2, item 19); and,

associating the located audio cue with the detected nuance for playback to a listener (Fig.2, items 14, 15).

As per claim 2, Cossatto et al., teach the method according to claim 1, further comprising creating an audio rendering of an non-audio segment of the non-audio data source, wherein the non-audio segment is associated with the nuance, and, mixing the associated audio cue with the audio rendering of the segment (Fig.2, items 14 and 15).

As per claim 3, Cossatto et al., teach the method according to claim 1, wherein detecting a nuance of a non-audio data source detects a plurality of nuances of the non-audio data source, locating an audio cue locates audio cues for each of the detected nuances, and associating the located audio cue with the detected nuance for playback to a listener associates each of the located audio cues with the respective detected nuance, and further comprising creating an audio rendering of the non-audio data source, and mixing the associated audio cues in with the audio rendering (Fig. 3b).

As per claim 4, Cossatto et al., teach the method according to claim 3, wherein mixing the associated audio cues occurs while playing the audio rendering to the listener (Col.4, lines 3-41).

As per claim 5, Cossatto et al., teach the method according to claim 3, wherein the non-audio data source is a text file and wherein creating an audio rendering of the non-audio data source further comprises processing the text file with a text-to-speech translator (Col.4, lines 3-41).

As per claim 6, Cossatto et al., teach the method according to claim 3, wherein at least one of the detected nuances is presence of a formatting tag (Col.8, lines 25-39).

As per claim 7, Cossatto et al., teach the method according to claim 3, wherein the non-audio data source is a text file and at least one of the detected nuances is a change in color of text in the text file (Col.9, lines 18-31, Col.10, lines 21-26).

As per claim 8, Cossatto et al., teach the method according to claim 1, wherein the non-audio data source and the detected nuance is a change in font of text in the text file (Col.9, lines 33-40, Col.10, lines 11-26).

As per claim 9, Cossatto et al., teach the method according to claim 1, wherein the non-audio data source is a text file and the detected nuance is presence of a keyword for the text file (Col.9, lines 1-15, Col.8, lines 55-67).

As per claim 10, Cossatto et al., teach the method according to claim 9, wherein the keyword is supplied by a creator of the text file (Col.9, lines 1-15, Col.8, lines 55-67).

As per claim 11, Cossatto et al., teach the method according to claim 9, wherein the keyword is programmatically detected by evaluating text in the text file (Col.9, lines 1-15, Col.8, lines 55-67).

As per claim 12, Cossatto et al., teach the method according to claim 3, wherein the non-audio data source is a text file and at least one of the detected nuances is presence of an emoticon in the text data (Col.6, lines 43-57, Col.5, lines 19-31).

As per claim 13, Cossatto et al., teach the method according to claim 1, wherein the detected nuance is a change of topic in the non-audio data source (Col.5, lines 20-38).

As per claim 14, Cossatto et al., teach the method according to claim 6, wherein the formatting tag is a new paragraph tag (Col.10, lines 16-26).

As per claim 15, Cossatto et al., teach the method according to claim 3, wherein at least one of the detected nuances is a degree of certainty in translation of the non-audio data source from another format (Col.10, lines 16-26).

As per claim 43, Cossatto et al., teach a system for enhancing audio renderings of non-audio data sources, comprising:

means for detecting a nuance of a non-audio data source (Fig.2, item 18);

means for locating an audio cue corresponding to the detected nuance (Fig.2, item 19); and,

means for associating the located audio cue with the detected nuance for playback to a listener (Fig.2, items 14 and 15).

As per claim 44, Cossatto et al., teach the system according to claim 43, further comprising means for creating an audio rendering of an non-audio segment of the non-audio data source, wherein the non-audio segment is associated with the nuance, and, means for mixing the associated audio cues in with the audio rendering while playing the audio rendering to the listener (Fig.2, items 14 and 15, Col.4, lines 3-41).

As per claim 45, Cossatto et al., teach the system according to claim 44, wherein the non-audio data source is a text file and wherein creating an audio rendering of the non-audio data source further comprises processing the text file with a text-to-speech translator (Col.4, lines 3-41).

As per claim 46, Cossatto et al., teach the system according to claim 43, wherein at least one of the detected nuances is presence of a formatting tag (Col.8, lines 25-39).

As per claim 47, Cossatto et al., teach the system according to claim 43, wherein the non-audio data source is a text file and at least one of the detected nuances is a change in font of text in the text file (Col.9, lines 18-31, Col.10, lines 21-26).

As per claim 48, Cossatto et al., teach the system according to claim 43, wherein the non-audio data source is a text file and at least one of the detected nuances is presence of an emoticon in the text file (Col.6, lines 43-57, Col.5, lines 19-31

As per claim 49, Cossatto et al., teach the system according to claim 43, wherein the detected nuance is a change of topic in the non-audio data source (Col.5, lines 20-38).

As per claim 50, Cossatto et al., teach the system according to claim 46, wherein the formatting tag is a new paragraph tag (Col.10, lines 16-26).

As per claim 51, Cossatto et al., teach the system according to claim 43, wherein at least one of the detected nuances is a degree of certainty in translation of the non-audio data source from another format (Col.10, lines 16-26).

As per claim 57, Cossatto et al., teach the system according to claim 43, wherein the non-audio data source is an email message and at least one of the detected nuances is an email convention found in the email message (Col.10, lines 16-26).

As per claim 58, Cossatto et al., teach the system according to claim 43, wherein the non-audio data source is text provided by a user (Col.10, lines 16-26).

As per claim 59, Cossatto et al., teach the system according to claim 43, wherein the detected nuance is embedded within the non-audio file (Col.10, lines 16-26).

As per claim 60, Cossatto et al., teach the system according to claim 43, wherein the detected nuance comprises metadata associated with the non-audio file (Col.10, lines 16-26).

As per claim 67, Cossatto et al., teach a computer program product for enhancing audio renderings of non-audio data sources, the computer program product embodied on one or more computer-readable media and comprising:

computer readable program code that is configured to detect one or more nuances of a non-audio data source (Fig.2, item 18);

computer readable program code that is configured to locate an audio cue corresponding to each of the detected nuances (Fig.2, item 19); and,

computer readable program code that is configured to associate the located audio cues with their respective detected nuances for playback to a listener (Fig.2, items 14 and 15).

As per claim 68, Cossatto et al., teach the computer program product according to claim 67, further comprising computer readable program code that is configured to create an audio rendering of a non-audio segment of the non-audio data source, wherein the non-audio segment is associated with the nuance, and, computer readable program code that is configured to mix the associated audio cue with the audio rendering of the segment (Fig.2, items 14 and 15, Col.4, lines 3-41).

As per claim 69, Cossatto et al., teach the computer program product according tot claim 68, wherein the non-audio data source is a text file, and wherein the computer readable program code that is configured to create further comprises computer readable program code that is configured to process the text file with a text-to-speech translator (Col.4, lines 3-41).

As per claim 70, Cossatto et al., teach the computer program product according to claim 67, wherein the non-audio data source is a text file and at least one of the detected nuances is a change in color of text in the text file (Col.9, lines 18-31, Col.10, lines 21-26).

As per claim 71, Cossatto et al., teach the computer program product according to claim 67, wherein the non-audio data source is a text file and the detected nuance is presence of a keyword for the text file (Col.9, lines 1-15, Col.8, lines 55-67).

As per claim 72, Cossatto et al., teach the computer program product according to claim 71, wherein the keyword is supplied by a creator of the text file (Col.9, lines 1-15, Col.8, lines 55-67).

As per claim 73, Cossatto et al., teach the computer program product according to claim 71, wherein the keyword is programmatically detected by evaluating text in the text file (Col.9, lines 1-15, Col.8, lines 55-67).

As per claim 74, Cossatto et al., teach the computer program product according to claim 67, wherein at least one of the detected nuances is a degree of certainty in translation of the non-audio data source from another format (Col.10, lines 16-26).

As per claim 81, Cossatto et al., teach the computer program product according to claim 67, wherein at least one of the detected nuances is an identification of a creator of the non-audio data source (Col.10, lines 16-26).

As per claim 82, Cossatto et al., teach the computer program product according to claim 81, wherein the identification is used to locate stored preferences of the creator (Col.10, lines 16-26).

As per claim 83, Cossatto et al., teach the computer program product according to claim 67, wherein the non-audio data source is an e-mail message (Col.10, lines 16-26).

As per claim 84, Cossatto et al., teach the computer program product according to claim 67, wherein the detected nuance is embedded within the non-audio file (Col.10, lines 16-26).

As per claim 85, Cossatto et al., teach the computer program product according to claim 67, wherein the detected nuance comprises metadata associated with the non-audio file (Col.10, lines 16-26).

***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dutta et al., (6,453,294) teach dynamic destination determined multimedia avatars for interactive on-line communications.

Stentiford et al., ( 5,384,701) teach a language translation system.

Hyde-Thomson et al., (6,487,533) teach unified messaging system with automatic language identification for text-to-speech conversion.

L'Esperance et al., (US 2002/0055844) teach a speech user interface for portable personal devices.

Siegel (6,442,523) teaches a method of auditory navigation of text.

Shepard et al., (US 2003/0191682) teach a positioning system for perception management.

Butler et al., (5,844,158) teach voice processing system and method.

Freeland et al., (US 2003/0028380) teach a system for generating an audio message over a communications network that is at least partly in a voice representative of a character generally recognizable to a user.

Goldberg et al., (6,125,175) teach a method and apparatus for inserting background sound in a telephone call.

Ball et al., (6,459,774) teach structured voicemail messages.

Johnson et al., (5,434,910) teach a method and system for providing multimedia substitution in messaging systems.

Bogard (6,757,365) teaches instant messaging via telephone interfaces.

Jayaratne (US 2003/0115059) teaches real time translator and method of performing real time translation of a plurality of spoken languages.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vijay B. Chawan whose telephone number is (571) 272-7601. The examiner can normally be reached on Monday Through Friday 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vijay B. Chawan
Primary Examiner
Art Unit 2654

vbc
9/19/05

VIJAY CHAWAN
PRIMARY EXAMINER